



College of
Registered Nurses
of Manitoba

Practice Direction:

Self-Employed Practice

The College of Registered Nurses of Manitoba (the College) Council must, by regulation, establish standards of practice to regulate the quality of practice of registrants of the College.

The Council approves practice directions which are written statements to enhance, explain, add, or guide registrants with respect to matters described in the College of Registered Nurses of Manitoba General Regulations or any other matter relevant to registered nursing practice. Compliance with practice directions are required; these expectations also serve as a legal reference to describe reasonable and prudent nursing practice.

It is the responsibility of all registrants to understand all practice expectations and be accountable to apply them to their own nursing practice, regardless of roles or practice settings. Responsibility is the duty to satisfactorily complete your obligations. Accountability means being capable of explaining why you did or did not meet these expectations.

The policies of employers do not relieve individual registrants of accountability for their own actions or the primary obligation to meet practice directions. Employer's policies should not require a registrant to practise in a manner that violates practice directions.

NOTE: the use of the word registrant refers to registered nurse, registered nurse (authorized prescriber), registered nurse (nurse practitioner), registered nurse (graduate nurse practitioner), and graduate nurse.

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In this document, the use of the word nurse or registrant refers to registered nurses (RNs), registered nurse, nurse practitioners (RN(NP)).

Background

There are many factors that may be used to determine if you are engaging in nursing practice as an employee or as a self-employed registrant/independent contractor. Each situation is unique and must be assessed based on specific circumstances. To help identify if you are a self-employed registrant/independent contractor, ask yourself the following questions:

- Do you own the business or practice you are claiming RN practice hours from?
- Are you financially invested in the business you are claiming RN practice hours from?
- Do you profit from the business and/or are you at risk of personal financial loss?
- Do you control the business activities?
- Do you hire your own employees?
- Do you submit invoices for services you provide?
- Are you the trustee of the client record?

If you answered yes to most of these questions, you are most likely a self-employed/independent contractor. If you are still unsure, please refer to The Employment Standards Code, The Worker Recruitment and Protection Act or contact Employment Standards.

Self-employed Registered Nurses (RN) and Registered Nurse (Nurse Practitioners), improve access to health care services in Manitoba by practicing within their scope and using their expertise in the practice environment. Self-employed practitioners apply their knowledge, skills and judgment in many roles that enable individuals, families, groups, communities, and populations to achieve optimum levels of health.

All RNs and RN(NP)s who declare that they are a self-employed registrant or independent contractor are accountable to:

- Federal, Provincial and Municipal Laws
- The Regulated Health Professions Act,
- Practice of Registered Nursing Regulation
- College of Registered Nurses of Manitoba General Regulation
- College of Registered Nurses of Manitoba Practice Directions
- College of Registered Nurses of Manitoba Practice Expectations for RNs, RN(NP)s, RN(AP)s
- College of Registered Nurses of Manitoba, Entry Level Competencies for RNs, RN(NP)s
- All College of Registered Nurses of Manitoba Policies, including but not limited to:
 - AA-1 Health Profession Corporation
 - AA-5 Continuing Competency
 - AA-15 Accepted Practice Hours
 - AA-17 Opening, Closing, Leaving or Moving a Self-Employed Practice
 - Code of Ethical Conduct for Registered Nurses (2017 Edition)

Purpose

The purpose of the *Practice Direction: Self-employed Practice* is to outline the minimum practice expectations for self-employed registered nurses in relation to their self-employed business practice. The Practice Direction additionally clarifies what the public can expect at a minimum of self-employed/independent contractor registered nurse practice.

Practice Expectations

Opening a Self-Employed Practice

1. As a registered nurse **you may only** open a self-

employed practice if:

- i) You are in good standing with the College of Registered Nurses of Manitoba.
 - ii) Your practice is based on current, within the past 5 years, objective evidence of benefits to health and the health system and determination of the most appropriate person to provide care. The registrant must integrate critically appraised evidence with their experience and knowledge of contextual factors to decide, in consultation with clients, what best supports the clients' needs.
 - iii) You maintain a level of understanding of the available evidence supporting any procedures performed as it evolves and change your practice as necessary to ensure safe, competent, and appropriate care.
 - iv) Your practice falls within your scope of practice unless you have a collaborative relationship with another regulated health care professional who is authorized and competent to provide the services. In this case, you are responsible for ensuring in your practice that:
 - The collaboration is transparent to the client
 - The collaboration is maintained throughout providing services; and
 - The practice expectations from all regulated health care professionals engaged in the collaboration are adhered to through the course of providing services
 - v) You can manage risks, emergent and negative outcomes within your self-employed practice and/or referral and consultation systems.
 - vi) You apply the entire nursing process including assessment, diagnosis or determination, planning, intervention, and evaluation.
2. Before providing any care or services you must notify the College as per AA-17 Opening, Closing, Leaving or Moving a Self-Employed Practice.
 3. When closing, leaving, or moving your self-employed practice or if there has been a substantive change to your self-employed practice, you must notify the college and your clients (if applicable) per AA-17 Opening, Closing, Leaving or Moving a Self-employed Practice.
 4. If you choose to establish a health profession corporation, you must ensure you are compliant with CRNM Policy AA-1 Health Profession Corporation. Your college-issued permit is valid for one year from the date of issue.
 5. You must maintain accurate up-to-date information for your self-employed practice in your CRNM registrant profile and if you own a Health Professions Corporation confirm that the information posted on the CRNM Health Professions Corporation registry accurately displays your information.
 6. If there is a change in status to your certificate of practice, that impacts your authority to practice registered nursing, you must ensure you notify the College and the public per College Policy AA-1 and AA-17.

Practice Setting

7. As a registered nurse you may only practice in an appropriate practice setting(s) given the service being provided. When establishing an appropriate practice setting for your self-employed practice you must ensure you select a practice setting in which you:
 - i) Have sufficient space depending on the need for equipment and sufficient resources to manage negative outcomes

- ii) Have reasonable precautions in place to protect professional boundaries and the privacy, safety, and well-being of the client
8. Attain facility accreditation when legislation states that the service offered requires facility accreditation. Accreditation criteria are based on procedures that have sufficient risk of potential harm
- i) Level of sedation
 - ii) Need for medical device reprocessing (infection control)
 - iii) Complexity of procedure
 - iv) Nerve Blocks (Major)
9. The College of Registered Nurses of Manitoba General regulation requires certain reserved acts to only be performed by registered nurses in an approved practice setting. The reserved acts impacted are specific to Reserved Act#10, Apply Xray for Diagnostic Imaging Purposes at a Federal Nursing Station and Reserved Act#14, Labor and Deliver.

Approved practice for these reserved acts includes the following settings:

- i) a hospital designated under The Health Services Insurance Act
- ii) a personal care home designated under The Health Services Insurance Act
- iii) a hospital or health-care facility operated by the government, the government of Canada, a municipal government, a regional health authority or an Indian Band
- iv) a setting other than a hospital or health-care facility described in clause (c) if the registered nursing care provided at that setting is part of a program operated by the government, the Government of Canada or a regional health authority, or
- v) a health-care facility that is operated by a non-profit corporation and is funded by the Government of

Manitoba or a regional health authority

More information about reserved acts requiring an approved practice setting can be found in the Scope of Practice documents on the College's resource page.

A registered nurse (authorized prescriber) with an approved patient population for Diabetes health may practice as such only in a) collaboration with a physician or registered nurse (nurse practitioner) b) any of the following settings:

- i) A hospital designated under The Health Services Insurance Act
 - ii) A personal care home designated under the Health Services Insurance Act
 - iii) A hospital or health care facility operated by the government, the government of Canada, a municipal government, a regional health authority or an Indian Band
 - iv) A setting other than a hospital or health care facility described in point 3 if the registered nursing care provided at that setting is part of a program operated by the government, the government of Canada or a regional health authority
 - v) A health care facility that is operated by a non-profit corporation and is funded by the government of Manitoba or a regional health authority
10. Whenever providing services at social events, hospitality events or in other settings, you must comply with:
- i) Federal, Provincial and Municipal Laws
 - ii) The Regulated Health Professions Act
 - iii) Practice of Registered Nursing Regulation
 - iv) College of Registered Nurses of Manitoba General Regulation
 - v) Practice Expectations for RNs, RN(NP)s, RN(AP)s
 - vi) College policies

Liability

11. As a self-employed registered nurse, you must consult the liability coverage provider to ensure you carry adequate liability coverage for your self-employed practice to maintain competence over time.
12. Self-employed registered nurses who own agencies are engaging in registered nurse practice when managing contractor placements at facilities. As an agency owner, you must ensure:
 - i) placements of employees or contractors reflect the competence level of the contractor or employee
 - ii) you have a process in place to manage competence issues identified by the facility
 - iii) you have a process in place to manage professional practice issues identified by your Employees.
 - iv) as an employer, you understand and act on your obligations in identifying, managing and reporting practice issues

Policies and Procedures

13. As a self-employed registered nurse you must at a minimum have policies in place to demonstrate the self-employed regulations found in the College of Registered Nurses of Manitoba General Regulation including:
 - i) accepting and refusing clients;
 - ii) ending client relationships;
 - iii) notice of required payment;
 - iv) client record management including storage, disposition, retention, and transfer;
 - v) if using electronic health records, ensure the electronic records have comprehensive audit capability including a system that enters all access onto a permanent file log, identifying and recording where the access originated and by whom, and if alterations are made to the record, identifying whom, what was altered, and when

- vi) request by the client to view their personal health information recorded in the client record.
14. You must also create policies and/or procedures to demonstrate compliance with practice expectations appropriate to your practice which may include, but are not limited to:
 - i) infection control protocols;
 - ii) conflict of interest;
 - iii) informed consent;
 - iv) continuity of care;
 - v) management of emergent situations including but not limited to anaphylaxis, allergic-reaction or acute embolic event;
 - vi) the monitoring and reporting of adverse events and near misses in accordance with Health Canada requirements.
 - a) Monitoring, maintenance and use of equipment
 - b) Safe management and storage of medication and substances

Ethical Financial Dealings

15. You must be open and honest with clients about financial or commercial interests that could be seen to affect the quality of health care provided.
16. When selling products at a self-employed practice setting you must inform the client that they may purchase the product elsewhere if that is the case. You must not require a client to purchase a specific product as part of the plan of care unless it is:
 - i) not available elsewhere, and
 - ii) was included in the informed consent process
17. RN(NP)s and RNs must not authorize the purchase, distribution, or providing of these drugs/substances, for use by other persons outside their self-employed practice, whether regulated health professionals or not

Competence

18. You must work only within the limits of your competence within the legislated scope of practice of the profession and must refer a client to another practitioner if you cannot safely meet the client's needs.

19. If your self-employed practice includes a reserved act requiring additional education that meets College approved criteria, you must submit details of meeting the criteria for reserved acts requiring additional education for review and approval before performing the activity independently. See [Practice Direction: Criteria for Reserved Acts Requiring Additional Education](#) for additional information.
20. A registrant may perform a reserved act only if the member is legally permitted and competent to perform it and it is safe and appropriate for the procedure being performed.

Directing Client Care

21. As a self-employed registered nurse you are responsible for the safety and quality of client care provided through your self-employed practice. When providing or directing client care services, you are responsible to:
 - i) implement adequate quality assurance and improvement programs;
 - ii) ensure a system is in place for the proper cleaning, disinfecting, calibration and maintenance of equipment used in the services your self-employed practice provides. Outcome metrics should be documented;
 - iii) ensure the availability of appropriate client supports if procedures are performed that carry a risk of adverse events;
 - iv) establish relationships and communication procedures to ensure continuity of care for the client including continuity of care with their primary care team and continuity of care should there be an expected or unexpected change to the availability of the health care services provided;
 - v) ensure all medical devices, equipment, drugs, and other substances utilized in nursing care are Health Canada, Canadian Standards Association (CSA), or Food and Drug Association (FDA) approved.

Communicating Information about Procedures Offered

The Code of Ethical Conduct and practice expectations highlight the requirements of always maintaining client confidentiality and privacy both in-person and online. While Facebook, Twitter, LinkedIn and Instagram are popular sites for social networking, the practice expectations and C C C C C C Ethical Conduct can be applied to all types of online communication, including personal websites, blogs, email sharing, discussion boards and instant messaging.

This means that conduct online and in-person would be judged and examined in the same way and held to the same standard

22. When advertising or promoting procedures, including through the use of social media, you must follow the applicable provisions in the Guidelines for Advertising.
23. You must use your legal title when advertising online and within legal documents.
24. You must not use the registered nursing designation to market services that are outside of the registered nursing scope of practice.
25. At all times you must be aware of the conflict of interest inherent in exchanging money for health care services and take action to ensure that only clinically indicated services are offered based on an assessment of the client.

Inter-professional Collaborative Care- Working with Employees, Contractors, and other Health Professions

26. Where you employ, contract or collaborate with another person to provide services, you must:
 - i) have a position description for each employee;
 - ii) clearly identify who within the practice will act as the trustee of health records responsible for the long-term storage, retention and access to the records;
 - iii) follow any applicable legislation related to workplace safety and employment standards;

- iv) take reasonable steps to ensure that others involved in your practice are competent to provide the care;
 - v) establish a process to manage competence issues/concerns;
 - vi) establish a process for managing professional practice issues;
 - vii) ensure your self-employed practice is set up in a manner that enables other individual(s) involved in your business to be compliant with their profession-specific legislation and applicable practice directions/standards of practice;
 - viii) establish a process to confirm that members of a regulated profession have established registration and are in good standing;
 - ix) in cases where you are not providing a reserved act yourself within your individual scope of practice, establish clear accountability for the most responsible practitioner ensuring that practitioner is authorized and has a plan in place to mitigate any potential negative outcomes in a satisfactory manner. The client should be aware and consent to their personal information being shared during an inter-professional collaborative relationship. If the RN is consulting with someone authorized to prescribe medication, the client should be aware that the consultation has occurred and with whom;
 - x) when working with unregulated care providers you must adhere to the assignment and delegation practice direction and ensure appropriate supervision is in place. See [Practice Direction Assignment and Delegation to Unregulated Care Providers](#).
27. You must consider the client's psychological needs and whether referral to another member or regulated health professional is appropriate
28. Consideration must be given to all requests from a

client to have a support person present during their assessment or procedure

Glossary

Case Controlled Studies

- A case-control study is designed to help determine if an exposure is associated with an outcome

Cohort Studies

- A cohort study is a particular form of longitudinal study that samples a cohort (a group of people who share a defining characteristic), performing a cross section at intervals through time.

College of Physicians and Surgeons

- [Accredited Facilities Bylaw](#)

Critically Appraised Topics

- A critically appraised topic is a short summary of evidence on a topic of interest, usually focused on a clinical question.

Expert Opinion Topic

- A statement of opinion made which provides an evaluation of facts in evidence using the expert's qualified prior experience to shed additional insight as to the matter.

Good Standing

- In good standing means the applicant(s) certificate to practice is not suspended, cancelled or voluntarily surrendered and there are no unfulfilled requirements as a result of a decision of the Complaints Investigation Committee.

Individual Scope of Practice

- An individual's scope of practice is comprised of the knowledge, skill and judgement an individual attains through their foundational nursing education, professional experiences and continuing education

Randomized Control Trials

- A randomized controlled trial (RCT) is a form of scientific experiment used to control factors not under direct experimental control

Systemic Review

- A systemic review is a research study that collects and looks at multiple studies

References

College of Registered Nurses of Manitoba <https://www.crnmb.ca/>

The Regulated Health Professions Act <http://web2.gov.mb.ca/laws/statutes/ccsm/r117e.php>

College of Registered Nurses of Manitoba General Regulation <https://web2.gov.mb.ca/laws/regs/current/pdf-regs.php?reg=114/2017>

Practice of Registered Nursing Regulation <https://web2.gov.mb.ca/laws/regs/current/pdf-regs.php?reg=113/2017>

Scope of Practice for RNs <https://www.crnmb.ca/wp-content/uploads/2022/01/ScopeofPractice.pdf>

Scope of Practice for RN(NP)s <https://www.crnmb.ca/wp-content/uploads/2022/01/RNNP-Scope-of-Practice-Jan22.pdf>

Scope of Practice for RN(AP)s <https://www.crnmb.ca/wp-content/uploads/2022/01/RNAP-Scope-of-Practice-mar232022.pdf>

Practice Expectations for RNs <https://www.crnmb.ca/wp-content/uploads/2022/01/PracticeExpectationsforRNs.pdf>

Practice Expectations for RN(NP)s <https://www.crnmb.ca/wp-content/uploads/2022/01/PracticeExpectationsforNPs.pdf>

Practice Expectations for RN(AP)s <https://www.crnmb.ca/wp-content/uploads/2022/01/PracticeExpectationsforAPs.pdf>

Criteria for Reserved Acts Requiring Additional Education

AA-1 Health Profession Corporation <https://crnm.mb.ca/resource/health-profession-corporation-aa-1/> AA-5

Continuing Competency <https://crnm.mb.ca/resource/>

[continuing-competency-aa-5/](https://crnm.mb.ca/resource/continuing-competency-aa-5/)

AA-15 Accepted Practice Hours <https://crnm.mb.ca/resource/accepted-practice-for-accruing-hours-aa-15/>

AA-17 Opening Closing, Leaving or Moving a Self-Employed Practice <https://crnm.mb.ca/resource/opening-closing-leaving-or-moving-a-self-employed-practice-aa-17/>

Assignment and Delegation to Unregulated Care Providers https://www.crnmb.ca/wp-content/uploads/2022/01/Assignment-and-Delegation-to-Unregulated-Care-Providers_Mar152022.pdf

Criteria for Reserved Acts Requiring Additional Education <https://www.crnmb.ca/wp-content/uploads/2022/01/Criteria-for-Reserved-Acts-Requiring-Additional-Education.pdf>

Guidelines for Advertising <https://www.crnmb.ca/resource/guidelines-for-advertising/>

CNPS (Canadian Nurses Protective Society) www.cnps.ca

Evidence Pyramid <https://sites.google.com/site/evidencebasedd/types-of-pyramid>

Employment Standards https://www.gov.mb.ca/labour/standards/doc,independent_contractors,factsheet.pdf

The Worker Recruitment and Protection Act <https://web2.gov.mb.ca/laws/statutes/ccsm/w197e.php>

The Personal Health Information Act <https://web2.gov.mb.ca/laws/statutes/ccsm/p033-5e.php>